

Biennial Report - December 2000

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**Nevada Division of Environmental Protection
333 West Nye Lane
Carson City, Nevada 89706-0851**

Division of Environmental Protection

Allen Biaggi, Administrator

Purpose:

The division is responsible for the statewide regulatory programs for the protection of the health and welfare and environment of the public. Programmatic areas include air quality, water quality, hazardous and solid waste, mining reclamation, highly hazardous chemicals and alternative fuels, federal facilities, waste management and water pollution issues.

Organizational Structure:

The division is divided into eight units: Administration and seven Bureaus - Bureau of Air Quality, Pollution Control, Water Quality Planning, Mining Regulation and Reclamation, Corrective Actions, Waste Management and Federal Facilities. The division also provides staff support for the State Environmental Commission and the Board to Review Petroleum Claims.

Statutory Authority:	NRS 232.136, 444, 444A 445A, 445B, 445C, 459, 486A, 519A, 590, and 704
Number of Employees	179 FTE/2000
Offices:	333 West Nye Lane, Room 138 Carson City, Nevada 89706-0851
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Administrative Offices

Purpose:

To support the Division's Small Business Assistance Program and the Ombudsman. The Ombudsman focuses on providing technical assistance to businesses on how to comply with environmental regulatory programs. The Administrator's Office also contains the Office of Fiscal and Personnel Management and the Office of Information Management. This is to provide financial management oversight and computer management services.

Key Long-Term Objectives:

1. Focus on implementation of strategic objectives for development of a more effective management framework for environmental permitting and enforcement activities.
2. Develop electronic mapping (GIS) and an INTERNET web site for the Division to enhance planning and communication with regulated businesses and the public.
3. Continue to modernize the Division's electronic information management environment.
4. Provide a safe work environment for the employees of the division.

Accomplishments:

The Administrator's office issued an in-depth guide on the environmental business processes managed by the Division. The Division has engaged in a comprehensive review of how it manages its information management resources. The Division also sustains an aggressive safety program. The Division has developed an INTERNET site that will provide information to the public on environmental and regulatory issues.

Significant Changes:

The establishment of a strategic planning framework has helped the Division to better focus its resources.

Bureau of Air Quality

Purpose:

To plan, develop and implement air pollution control programs. The Bureau evaluates potential air quality impacts and establishes appropriate pollution control requirements through the issuance of permits for stationary and temporary sources of air pollution in all areas of the State except in Clark and Washoe Counties. The Bureau has statewide responsibility for controlling emissions from electric plants which use steam. The Bureau is responsible for implementing the conversion of public fleets to alternative fuels. The Bureau coordinates with the Department of Motor Vehicles & Public Safety for the vehicle emission inspection in Clark and Washoe Counties, including a program for heavy duty diesel trucks. The Bureau's major tasks include evaluating potential environmental impacts, permitting, ambient air quality monitoring, compliance assurance and planning.

Key Long-Term Objectives:

1. Operate and maintain an ambient air quality monitoring network to determine areas that approach or exceed the established State and federal health and welfare standards.

2. Identify and monitor sources of air pollutants which may impact public health and the environment. Maintain an accurate inventory of air pollutant emissions.
3. Work with sources of air pollution to effectively control the emissions of air pollutants.
4. Ensure that air pollutant sources operate in compliance with established air pollution control regulations and requirements.

Accomplishments:

During the 2000/2001 biennium, the Bureau has continued to evaluate and establish effective air pollution control measures through permitting of new and existing sources of air pollution and has requested final approval of the Title V permitting program.

The Bureau has been working extensively with Clark County on the development of their PM and carbon monoxide implementation plans and on program implementation issues identified by the SB432 subcommittee.

The Bureau has been working with developers and land use planners to address air quality issues in the Fernley area and along the Truckee River corridor. An emission inventory and modeling will be completed by the end of FY 2001 that will facilitate future development while meeting air quality standards in those areas.

The Bureau has been working with the agriculture industry on the development of best management practices for the control of fugitive dust.

The Bureau continues to monitor western regional efforts related to EPA's proposed regional haze control rule.

Significant Changes:

1. A new Class II permit application was developed and is now in use.

Bureau of Water Pollution Control

Purpose:

To issue wastewater discharge permits, conduct compliance inspections, enforce water pollution control permit requirements, administer the State Revolving Loan Fund program, review and approve the design of wastewater treatment facilities, review subdivision plans for water pollution and adequate sewage disposal, and conduct training and certification programs for wastewater treatment plant operators.

Key Long-Term Objectives:

1. Continue with early intervention through the water pollution control permitting program.
2. Continue to assist Nevada's communities by the issuance of wastewater treatment construction loans; providing training and technical assistance for wastewater treatment plant operators.
3. Evaluate residential areas at risk from groundwater pollution due to septic systems.

Accomplishments:

The Bureau has processed \$ 119,627,428 in wastewater treatment facility construction loans from the State Revolving Loan program. Communities receiving loans include: Mesquite, Winnemucca, Elko, Henderson, Yerington, West Wendover, Carson City, Sparks, Lovelock, Fernley, Jackpot, Incline Village GID, Washoe County, Indian Hills GID, Fallon and Silver Springs GID. The Bureau is developing a program to permit Class V underground injection wells and is working in conjunction with Nevada's agricultural industry to develop a permitting program for confined animal feeding operations, such as dairies and feedlots. The Bureau has also developed a program to permit the reuse of biosolids.

Significant Changes:

The US EPA has passed final rules for stormwater activities. These new “phase II” rules will apply to all urban centers and construction activities, 1 acre or larger. The Division is currently working with local governments to develop a program that provides for flexibility and accountability.

Bureau of Mining Regulation and Reclamation

Purpose:

The Bureau of Mining Regulation and Reclamation is divided into three major programs: the Regulation Branch, the Mine Closure Branch and the Reclamation Branch.

The Regulation Branch is responsible for ensuring that the quality of Nevada's water resources is not adversely impacted by active mining operations. The Branch issues permits to prevent degradation of Nevada's water, conducts inspections, takes appropriate action to ensure compliance with permit conditions, and reviews the regulatory fee structure that supports the Branch.

The Mine Closure Branch regulates mines in closure, ensuring chemical stabilization of all components. This Branch also issues permits to prevent degradation of Nevada's water,

conducts inspections, takes appropriate action to ensure compliance with permit conditions, and reviews the regulatory fee structure that supports the Branch.

The Mining Reclamation Branch ensures that land disturbed by mining and exploration activities is returned to a productive post-mining land use. The Branch is responsible for issuing reclamation permits, reviewing bond cost estimates and establishing surety requirements, conducting compliance inspections, initiating regulatory actions and reviewing the regulatory fee structure that supports the Branch.

Key Long-Term Objectives:

1. Provide a well established regulatory framework whereby environmentally responsible mining is encouraged and environmentally irresponsible mining is prevented.
2. Ensure that mining facilities are constructed, operated, closed and reclaimed without adverse impacts to human health and the environment.
3. Foster the development and implementation of more efficient and cost effective closure and reclamation methods.
4. Foster the development and implementation of more effective and practical methods to predict and manage pit lake water quality.
5. Foster the development and implementation of more effective and practical methods to characterize and manage acid generating waste rock.
6. Foster the development and implementation of concurrent reclamation when feasible.

Accomplishments:

The Bureau has been actively implementing the regulations. Most mining operations are now covered by water pollution control permits and reclamation permits. During the FY 1999-2000 biennium the Bureau issued 143 permits and conducted 1258 inspections.

Bureau of Water Quality Planning

Purpose:

The Bureau of Water Quality Planning purpose is to plan, direct and coordinate the establishment of water quality standards, and to monitor the attainment of those standards. The Bureau also develops regional and state-wide water quality plans that detail the structure and mechanics of protecting the state's surface and ground water resources.

Key Long-Term Objectives:

1. Review and update water quality standards and develop numerical standards for waters not presently protected.
2. Develop a comprehensive state groundwater protection plan which will evaluate and integrate ground water protection activities.
3. Identify methodologies to mitigate the adverse effects to waters affected by non-point source pollution and implement non-point source control projects.
4. Provide technical and financial assistance to communities to develop wellhead protection programs.
5. Conduct statewide water quality sampling to determine compliance with applicable standards and prepare water quality assessment reports such as the 303(d) list of impaired waters.
6. Develop “Total Maximum Daily Load” to restore impaired water bodies.

Accomplishments:

The Bureau received U.S.EPA first in the nation endorsement of the comprehensive ground water protection plan. More protective water quality standards for Lake Mead and the Las Vegas Wash were developed by the Bureau and were adopted by the State Environmental Commission. The Bureau has been an active member in the Lake Mead Water Quality Forum which coordinates several federal, state and local agencies to find and enhance solutions for water quality issues in the Las Vegas valley. Approximately 60 Nevada non-point source pollution control projects are being funded by the Bureau. Water quality monitoring continues to be performed by the Bureau to verify compliance with the standards on all major water systems within Nevada.

Significant Changes:

The Bureau during the biennial period developed a regulatory package that overhauled the water quality laboratory certification process, to provide for interstate cooperation and affiliation with a national program.

Bureau of Federal Facilities

Purpose:

The Bureau oversees environmental remediation activities being initiated on Department of Defense (DOD) and Energy (DOE) installations. These activities are related to the clean-up of historically contaminated federal sites in Nevada (e.g, Nevada Test Site, Nellis Air Force

Base and Range Complex, Hawthorne Ammunition Depot, Fallon Naval Air Station, etc.). The Bureau is also responsible for the permitting and regulatory compliance of active water pollution control and waste management operations on Department of Energy facilities.

Key Long-Term Objectives:

1. Work with federal defense and energy agencies to develop acceptable planning schedules for the remediation of contaminated sites on federal facilities in Nevada.
2. Work with federal agencies to expedite clean-up of contaminated sites to allow potential re-use of sites and facilities for both defense and non-defense purposes.
3. Work with DOE and DOD resource management planning initiatives to support re-use and conservation of withdrawn public lands.
4. Work with the DOE and other interested states on proposed modifications to the Atomic Energy Act. Modification of the Act is necessary to enable development of independent external oversight programs (by the State of Nevada and other interested states) of DOE's Low Level Radioactive (LLR) storage and disposal activities. This long-term objective would establish a formal (State of Nevada) regulatory program governing DOE's LLR waste management and disposal activities within Nevada.

Accomplishments:

The Bureau has continued to implement the terms of Consent Agreements with federal Defense and Energy agencies for corrective action and waste management activities conducted on the Nevada Test Site and on the identified DOD installations. Approximately 3,200 contaminated sites have been identified for assessment and remediation at the above mentioned federal facilities. As of July 2000, over 1,100 of these sites have been formally approved by the Division for closure.

Using a federal grant agreement, the Bureau has entered into a formal process of reviewing low level radioactive waste management and disposal practices at the Nevada Test Site. This is the first formal agreement of its kind in the United States.

The Bureau of Corrective Actions

The Bureau of Corrective Actions, established in 1993, oversees remediation and corrective actions related to the cleanup of releases of hazardous and regulated chemicals using a multi-media (air, water, soil and ecological resources) approach. The Bureau uses the petroleum cleanup fund and Federal leaking underground storage tank funding to pay for the costs of investigation and clean-up of contamination from tanks that have leaked. In addition, the Bureau administers a federal "superfund" grant and certifies environmental consultants to

ensure that competent individuals are providing services and information to the businesses and citizens of the State for environmental cleanups.

Key Objectives:

1. Continue to work with the U.S. Environmental Protection Agency to integrate the federal superfund activities with State Remedial Action activities.
2. Educate the public and owners and operators of underground storage tanks with respect to preventing and/or reducing the magnitude and frequency of releases.
3. Coordinate petroleum cleanup Fund actions with the Underground Storage Tank program for the enforcement of tank rules and requirements, and the development of policy and operational procedures.
4. Continue certification of environmental consultants by improving testing and establishing reciprocity with other States.
5. Continue to implement and improve benefit criteria used in determining the cost of cleaning up pollution.

Accomplishments and Significant Changes:

The integrated staffing of the Petroleum Fund and the Underground Storage Tank/Leaking Underground Storage Tank Programs has facilitated responsible regulatory oversight of cleanup activities in coordination with allocation of Petroleum Fund reimbursement monies. The Bureau operates under regulations requiring cost benefit evaluations prior to clean up actions. In fiscal year 1999, the Bureau opened 88 new Petroleum fund cases, closed 191 cases, and disbursed approximately \$ 4.98 million in Petroleum fund monies. In Fiscal Year 2000, 60 new cases were opened, 3 were closed, and \$ 6.04 million dollars were disbursed.

Since the 1992 inception of a formalized remedial action program, approximately 1,097 non-UST sites have been investigated and cleaned up to State requirements. These cases involved petroleum products, heavy metals, organic compounds, pesticides and PCB's. Approximately 125 cases are open and active at any given time. During the 70th/1999 legislative session the Nevada State Legislature passed the Program for Voluntary Cleanup of Hazardous Substances and Relief From Liability. The purpose of the program is to encourage the voluntary cleanup of sites where there has been a contaminant release threatening public health and the environment thereby removing the stigma attached to these sites which blocks economic development. The program provides incentives to remediate property by removing liability of future landowners and lenders. The Voluntary Cleanup Program will result in clearing the pathway for returning these properties to beneficial use in a timely and efficient manner. The legislation required the State Environmental Commission to adopt certain regulations to

implement the program. Regulations were drafted, public workshops were held and the regulations were adopted by the Commission

Remediation efforts continue in Washoe County to investigate the extent of ground water contamination by cleaning solvents in Downtown Reno. Monitoring activities indicated the need for additional remediation efforts which are underway. Sampling was conducted near the Yerington Anaconda mine project to determine if any down gradient municipal or private wells have been impacted by the mine. Sampling results indicated that there were no impacts on these wells. Cleanup activities at the Rio Tinto mine in northern Elko county are continuing. Major cleanup efforts at the BMI industrial complex in Henderson have begun to remediate contamination and turn the site into a master planned community.

The Bureau currently certifies 664 individuals providing environmental remediation services in the Consultant Certification program, and has begun development of a Nevada Brownfields Program to assist redevelopment activities throughout the State.

The Bureau of Waste Management

The Bureau of Waste Management plans, regulates and permits activities to ensure environmentally sound management of solid and hazardous waste. The Bureau through the Division is authorized to implement Subtitle C and D of the federal Resource Conservation and Recovery Act. The Bureau also conducts activities to protect the public health and safety, and the environment from the hazards of accidental releases of highly hazardous chemicals.

Key Objectives:

1. Reduce generation of solid and hazardous waste in Nevada by encouraging waste reduction, recycling and product substitution.
2. Prevent uncontrolled release of hazardous waste to the environment through effective permitting controls, compliance monitoring and enforcement.
3. Prevent release of pollutants or contaminants from solid waste disposal facilities through effective permitting controls, compliance monitoring and enforcement.
4. Reduce the risk of catastrophic release of highly hazardous chemicals through technical review of facility risk assessments, monitoring of compliance with hazard abatement plans and reporting requirements and enforcement.

Accomplishments:

The Bureau's Solid Waste Program has been implementing stringent new standards at municipal landfills. These regulations became effective for larger landfills on October 9, 1993 and after two, two-year extensions, became effective at the smaller, rural landfills on October

9, 1997. As a consequence of the new standards, many small landfills have been closed in favor of transfer stations and regional disposal facilities. In 1992, there were roughly 90 landfills in Nevada. Currently about 21 municipal landfills serve the State's disposal needs. In addition to ensuring compliance at newly permitted facilities, the Solid Waste program also launched a study of closed landfills to evaluate the risk of ground water contamination at these sites. The Solid Waste program continues to promote recycling and waste reduction. Nevada currently diverts approximately 11% of the roughly 3 million tons disposed in landfills each year. The State goal is to divert 25% of the waste stream going to landfills. Efforts are underway to increase promotion of recycling in the Clark County area particularly, given the lagging recycling rate.

The Bureau's Chemical Accident Prevention Program has also been fully implemented during the past biennium. The program is designed to reduce the risk associated with facilities that store or handle highly hazardous substances. Due to this program, a number of significant mitigation measures, ranging from engineering controls to training and maintenance, have been implemented at Nevada's chemical facilities. These measures reduce the risk of a catastrophic accident occurring. During the last biennium, the program was expanded to implement a similar Federally mandated accident prevention program, promulgated under §112r of the Clean Air Act Amendments of 1990. By integrating this new federal program into the existing State program, facilities subject to both requirements will have a single agency and set of regulations to comply with, rather than duplicate State and Federal requirements. In addition, the Clark Commission, which was formed by the Governor as a result of the Sierra Chemical explosion, recommended that the State Chemical Accident Prevention program be expanded to govern facilities that manufacture explosives. The 1999 Legislature adopted amendments to the CAPP law to add explosives to the program and to require that new facilities obtain a permit to construct from the CAPP program.

The Bureau's Hazardous Waste Program is well established and has focused on maintaining compliance with the regulations governing management of hazardous waste. The Bureau has for the last ten years maintained a technical assistance program that provides free and confidential assistance to Nevada businesses working to reduce waste and to achieve compliance with complex regulations. There are roughly 2,000 generators of hazardous waste in Nevada, about 50 transporters and 6 permitted facilities that treat, store or dispose of hazardous waste. Of the generators inspected, the Bureau has achieved a 95% compliance rate. Permitted facilities which are inspected quarterly were found to be in compliance in Fiscal Year 2000.

Publications:

Air Quality Annual Report
Hazardous Waste Management Plan
Solid Waste Management Plan
Waste Tire Management Plan

Waste Reduction and Recycling Model Plan
 Best Management Practices Manual
 Water Quality Assessment (305B) Report
 Section 303(d) List
 208 Water Quality Management Plans for Non-Designated Areas
 Non-point Source Pollution (319) Final Assessment Report on Snake River Basin
 Comprehensive State Groundwater Protection Program Profile
 Wellhead Protection Program
 Handbook of Biosolids Analysis

Environmental Commission

Melvin Close, Jr., Chairman
 David R. Cowperthwaite, Executive Secretary

Purpose:

The Environmental Commission adopts environmental rules, regulations and plans authorized by statute to protect the environment and public health and welfare. The Commission also acts as the appeal body to actions of the Division of Environmental Protection.

Organizational Structure:

The Commission is an 11 member board composed of citizens and agency administrators. The two person staff and support for the Secretariat is provided by the Division of Environmental Protection.

Statutory Authority:	NRS 232.136, 278, 444, 444A 445A, 445B, 445C, 459, 486A, 519A, 590, and 618
Number of Employees	0 FTE/2000
Offices:	333 West Nye Lane, Room 138 Carson City, Nevada 89706-0851
Telephone:	(775) 687-4670
Fax:	(775) 687-5856

Key Long-Term Objectives:

1. Process regulatory petitions in a timely and efficient manner.
2. Provide to business and the general public reliable and quality regulatory information services.

3. Act as the appeal body for final decisions made by the Division of Environmental Protection.
4. Sustain an INTERNET WEB site making available regulatory petition information and hearing archives of the Environmental Commission.

Accomplishments:

The Environmental Commission adopted 27 regulatory petitions from fiscal year 1999 through 2000. The significant petitions include the adoption of regulations for water pollution permitting fees and air quality permitting fees and chemical accident prevention program. The Commission also acted to maintain mining fees. The bankruptcy of mining operations had begun to impose a fiscal liability on the State. The Commission acted to clarify criteria for mining sureties and to establish a surety readiness trust fund to deal with fluid management at bankrupt mines. The Commission also adopted regulations establishing a certification program for the voluntary clean up residential and commercial properties, a program regulate recycling centers and compost operations and a fundamental overhaul of the water quality laboratory certification program. The Commission continued to adopt rules refining the air pollution control permitting program and the water pollution control program, including updating spill reporting requirements. The Commission also authorized the Division of Environmental Protection to issue U.S. EPA hazardous waste transporter and generator identification numbers. The Commission also allowed low emission vehicles into the alternative fueled fleet program, and provided for contingency measures for the vehicle emission control program regarding on board diagnostic technology. The Commission made technical revisions to the water quality standards and moved forward a major regulatory package relating to standards for the Walker River and new water quality standards for Walker Lake. The Commission has developed an INTERNET web site that provides information on current rulemaking and past regulations and hearings.

Significant Changes:

The Commission's adoption of regulations regarding water pollution control fees, air quality fees, chemical accident prevention program and the mining surety emergency trust fund has stabilized the program funding for operations and activities of the Division of Environmental Protection well into the next decade.

State Board to Review Claims (Petroleum Fund)

John Haycock, Chairman

Devender Narala, Executive Secretary

Purpose:

The State Petroleum Fund is designed to provide financial responsibility for Federally regulated underground storage tanks. Coverage is also provided for non-commercial heating oil tanks and certain non-regulated tanks. The Fund provides reimbursements for corrective action costs associated with petroleum product releases.

Organizational Structure:

The Board is composed of seven members. The five person staff is provided by the Division of Environmental Protection.

Statutory Authority:	NRS 590.700 to 590.920
Number of Employees	0 FTE/2000
Office:	333 West Nye Lane, Room 138 Carson City, Nevada 89706-0851
Telephone:	(775) 687-4670
Fax:	(775) 687-5856

Key Long-Term Objectives:

1. Conduct education and outreach programs to inform owners and operators of the existence of the Fund, its rules and requirements, schedules, and processes. Assist the public in accessing the Fund for reimbursement of warranted clean-up costs.
2. Conduct short and long term planning activities in coordination with industry and the public to insure Fund viability. Investigate and evaluate methods for preserving the solvency of the fund.
3. Continually review Fund procedures to make processing of applications more efficient.

Accomplishments:

In fiscal year 1999, 88 new Petroleum fund cases were opened, 191 cases were closed and approximately \$4.98 million in Petroleum fund monies were disbursed. In fiscal year 2000, 60 new Petroleum fund cases were opened, 3 cases were closed and approximately \$6.04 million in Petroleum fund monies were disbursed.

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